

RESPONSE UNDER 37 C.F.R. §1.116

Application Number: 10/685,545

Attorney Docket Number: 029714-00031

REMARKS

The Office Action dated September 28, 2009 has been received and carefully noted. The following remarks are being submitted as a full and complete response thereto.

Claims 1-4, 8-12, 14-17, 37-39, 41, 43-48, 54 and 55 have been rejected. Claims 5-7, 13, 18-36, 40, 42, 49-53, and 56-103 are canceled. No claims are amended in this response. Thus, claims 1-4, 8-12, 14-17, 37-39, 41, 43-48, 54 and 55 are pending in this application. Applicants respectfully request reconsideration and withdrawal of all rejections.

Rejections Under 35 U.S.C. §103

Claims 1-4, 8-12, 37-39, 46-48 and 54 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rosano (U.S. Patent No. 3,780,857, hereinafter "Rosano") in view of Davis (U.S. Patent No. 6,440,375, hereinafter "Davis"), Hassenboehler (U.S. Patent No. 5,441,550 hereinafter "Hassenboehler") and Bourne (U.S. Patent No. 5,688,476 hereinafter "Bourne"). Claims 14-15, 17, 41, 43-45 and 55 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rosano in view of Davis, Hassenboehler and Bourne as applied to claims 1, 37 and 54, and further in view of Thukamoto (U.S. Patent No. 4,206,844 hereinafter "Thukamoto"). Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Rosano, Davis, Hassenboehler and Bourne in view of Thukamoto as applied to claim 14, and in further view of Romito (U.S. Patent No. 4,382,063 hereinafter "Romito"). Applicants respectfully traverse these rejections.

The Office Action cites primary reference Rosano for teaching a wrap that

includes a nonwoven material that has a piece of cardboard adhered to it (see col. 1, lines 48-55). The Office Action admits that Rosano does not specifically teach an absorbent material that is non-rigid, permits sterilant to readily pass through it, is thicker and/or heavier than the first sheet of sterilization material, provides more moisture absorption than the first sheet of sterilization material, and has a different color than the first sheet of sterilization material, as recited in the claims.

The Office Action cites Davis, which discloses an absorbent trayliner that may be placed in a sterilization tray to absorb potential residual moisture generated during the sterilization process (see col. 2, lines 31-42, and Fig. 2). The Office Action relies on columns 2, 3, and 4 of Davis for teaching the claimed feature, “the sheet of absorbent material provides more moisture absorption than the first sheet of sterilization material”. Applicants submit, however, that Davis fails to teach or suggest this feature. Davis states that its trayliner absorbs moisture in an amount up to about thirty percent of its weight (see col. 3, lines 1-8 and 51-55). Nowhere does Davis teach or suggest that its trayliner provides more moisture absorption than a sheet of sterilization material. Moreover, since Davis’ trayliner is a “stand-alone” material, i.e. it is not attached to a sheet of sterilization material, Davis does not discuss the trayliner’s absorption capabilities as compared to that of a sheet of sterilization material.

Further, none of the cited references cure Davis’ defect. For example, Hassenboehler, which is directed to a laminated multilayered precursor web, summarizes the properties of its laminates at col. 17, lines 48-67. Hassenboehler’s laminates have a liquid absorption aspect ratio in a range of 1.2-6. This broad range of liquid absorption does not provide any insights as to a level of liquid absorption that

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would be desirable for a sheet of sterilization material that has a sheet of absorbent material bonded to it for use in a sterilization wrap, as in the presently claimed invention. Thus, Applicants submit that even if the teachings of Davis and Hassenboehler are combined, no reason is provided in these reference to select a sheet of absorbent material that provides more moisture absorption than a sheet of sterilization material.

With regard to the claimed feature, “the sheet of absorbent material is thicker and/or heavier than the first sheet of sterilization material”, the Office Action relies on Hassenboehler’s laminate precursor web. The laminate precursor web is 2-200 mils before post-treatment and is between 2 and 150 mils thick after the post-treatment. In some examples, Hassenboehler’s laminate precursor web has a thickness of less than 1.5 mm. Davis teaches that its trayliner may be about 1/8 inches thick. The Office Action takes the position that since it was known at the time of the invention that a laminated non-woven material has a thickness of less than 1.5 mm, it would have been obvious to one of ordinary skill in the art to use a sheet of absorbent material, such as that of Davis, that is thicker than the first sheet of sterilization material made of a laminated non-woven material, such as that of Hassenboehler.

Given the broad ranges noted above, in some cases, Hassenboehler’s laminate may be thicker than Davis’ trayliner, and in other cases, it may be thinner than Davis’ trayliner. Hassenboehler provides no teaching or suggestion that a thinner laminate would be preferred for use as a sheet of sterilization material in a sterilization wrap. In addition, Applicants respectfully submit that the Office Action has not provided a valid reason for why one skilled in the art would choose a sheet of absorbent material that is thicker than the sheet of sterilization material to form a sterilization wrap, based on the

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broad teachings of Davis and Hassenboehler.

For at least the above reasons, Applicants respectfully submit that the outstanding claims are not obvious over the proposed combination of Rosano, Davis, and Hassenboehler. Additional references Bourne, Thukamoto, and Romito fail to cure the defects of Rosano, Davis, and Hassenboehler discussed above. Thus, Applicants respectfully request reconsideration and withdrawal of the rejection of the claims under 35 U.S.C. §103(a).

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CONCLUSION

Applicants respectfully submit that this application is in condition for allowance and such action is earnestly solicited. If the Examiner believes that anything further is desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below to schedule a personal or telephone interview to discuss any remaining issues.

In the event that this paper is not being timely filed, Applicants respectfully petition for an appropriate extension of time. Any fees for such an extension, together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account Number 01-2300, referencing Docket Number 029714-00031.

Respectfully submitted,



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